

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Cesar Ruiz**
Maria De Jesus Flores
Debtor(s)

Case No. **14-31426**

Chapter 13 Proceeding

☒ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$2,250.00 Monthly, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$135,000.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 25% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
River Oaks Properties	Debtors reject lease. To be paid direct by Maria Chavez	Rejected	No

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Attorney General of Texas	Curr/pst due DP/Jacques		
El Paso Tax Assessor-Collector 3444 Itasca St	2014 Taxes Direct Pay	\$2,816.70	
El Paso Tax Assessor-Collector 3180 Matthew Lutz	Direct Pay by debtors sister	\$5,055.62	
El Paso Tax Assessor-Collector 1995 Redman Homes - Kirkwood 16 x 76	Direct pay of taxes	\$1,189.87	
Green Tree Servicing L 1995 Redman Homes - Kirkwood 16 x 76	Direct pay by friend	\$12,772.00	\$224.00
Wachovia Mortgage/World Savings and Loan 3444 Itasca St	Direct pay by debtors	\$74,098.00	\$874.00

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Continuation Sheet # 3

Wells Fargo Hm Mortgage 3180 Matthew Lutz	DirectPay joint debtors sister	\$161,682.00	\$1,482.00
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B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**A.** Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,078.00	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$10,000.00	Along With	

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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Continuation Sheet # 4

E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
GECU 2014 Chevy Silverado	\$46,131.00	\$46,631.00	Pro-Rata	5.25%	\$52,308.95	
GECU 2013 Chevy Tahoe	\$44,536.00	\$45,036.00	Pro-Rata	5.25%	\$50,500.32	
Gvt Emp Cu 2013 Chevy Tahoe	\$961.00	\$500.00	Pro-Rata	5.25%	\$566.95	X Collateral

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).

Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 25% of their allowed claims.

Creditor	Estimated Debt	Remarks
Ala F Tx Llc	\$400.00	
AT&T Mobility-ROC	\$575.06	
Best Buy	\$553.00	
Cap1/hlzbq	\$819.00	
Capital 1 Bank	\$3,545.00	
Capital 1 Bank	\$300.00	
Chevron Texaco/ Citicorp	\$0.00	
Comenity Bank/Buckle	\$0.00	
Credit One Bank	\$0.00	
Ditech.com/GMAC Mortgage	\$0.00	
First Data	\$843.00	
First Premier Bank	\$0.00	
Frost-Arnett Company	\$430.53	
Fst Premier	(\$1.00)	
GECRB/Chevron	\$536.00	
GECRB/JC Penny	\$1,614.00	
Gemb/walmart	\$437.00	
Gm Financial	\$0.00	
Goodyr/cbna	\$1,915.00	
Gvt Emp Cu	\$461.00	Unsecured portion of the secured debt (Bifurcated)
Hfc	\$0.00	
Hsbc Bank	\$0.00	

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Continuation Sheet # 5

Kohls/capone	\$0.00
Merrick Bk	\$1,999.00
Mr Dollar	(\$1.00)
National Restaurant Supply Co. Inc	\$200.00
Sams Club / GEMB	\$1,393.00
Sears/cbna	\$2,999.00
Sears/cbna	\$969.00
Syncb/mervyns	\$0.00
Syncb/tire Pros	\$0.00
Syncb/tjx Cos	\$72.00
Texas Orthopaedic Therapy	\$180.97
Tnb - Target	\$0.00
Vinay Patel, M.D., P.A.	\$239.81
Wf Fin Bank	\$0.00

Totals:

Administrative Claims	<u>\$3,078.00</u>
Priority Claims	<u>\$10,000.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$91,167.00</u>
Unsecured Claims	<u>\$20,479.37</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

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Continuation Sheet # 6

Authorization to send monthly bills

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

Certain Pre-Confirmation Disbursements

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 11/19/2014.

/s/ W. Matt Watson

W. Matt Watson
1123 E. Rio Grande
El Paso, Texas 79902
Phone: (915) 562-4357 / Fax: (866) 201-0967
(Attorney for Debtor)

/s/ Cesar Ruiz

Cesar Ruiz
3444 Itasca St
El Paso, TX 79936
(Debtor)

/s/ Maria De Jesus Flores

Maria De Jesus Flores
3444 Itasca St
El Paso, TX 79936
(Joint Debtor)

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CHAPTER **13**

Certificate of Service

I hereby certify that as of the date of filing the attached document, I have mailed/delivered a true and correct copy thereof to each party listed herein as well as all parties listed as receiving electronic mail notices as well as the Chapter 13 Trustee and U.S. Trustee .

Date: 11/19/2014

/s/ W. Matt Watson

W. Matt Watson

Attorney for the Debtor(s)

Ala F Tx Llc
340800028168
6920 Delta
El Paso, TX 79905

Capital 1 Bank
5178057490039877
Attn: General Correspondence
PO Box 30285
Salt Lake City, UT 84130

El Paso Tax Assessor-Collector
221 North Kansas Suite 300
El Paso, Texas 79901

AT&T Mobility-ROC
PO BOX 6463
Carol Stream, IL 60197-6463

Cesar Ruiz
3444 Itasca St
El Paso, TX 79936

Elizabeth Montez Jaques
9595 N. Loop Space 107
El Paso, TX 79906

Attorney General of Texas
Coll . Div/Bankruptcy Section
P.O. Box 12548
Austin TX 78711 2548

Chevron Texaco/ Citicorp
7064392132
Citicorp Credit Svcs/Attn:Centralized Ba
PO Box 20507
Kansas City, MO 64195

First Data
520846289000
1307 Walt Whitman Rd
Melville, NY 11747

Best Buy
7021272170405505
HRS
P.O. Box 15521
Wilmington, DE 19850

Comenity Bank/Buckle
5856370813590362
Attn: Bankruptcy
P.O. Box 182686
Columbus, OH 43218

First Premier Bank
5433628068115553
3820 N Louise Ave
Sioux Falls, SD 57107

Cap1/hlzbq
2026070926801944
26525 N Riverwoods Blvd
Mettawa, IL 60045

Credit One Bank
4447962164676367
PO Box 98873
Las Vegas, NV 89193

Forbes & Forbes
711 Myrtle
El Paso, TX 79901

Capital 1 Bank
5178057305368818
Attn: General Correspondence
PO Box 30285
Salt Lake City, UT 84130

Ditech.com/GMAC Mortgage
7435829353
Attn: Bankruptcy
1100 Virginia Dr
Fort Washington, PA 19034

Frost-Arnett Company
PO BOX 198988
Nashville, TN 37219-8988

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CHAPTER **13**

Certificate of Service

(Continuation Sheet #1)

Fst Premier
4869557109226762
601 S Minnesota Ave
Sioux Falls, SD 57104

Goodyr/cbna
6035510144539537
Po Box 6497
Sioux Falls, SD 57117

Linebarger Goggan Blair & Sampson,
LLP
711 Navarro, Suite 300
San Antonio, TX 78205

GECRB/Chevron
7061592003423750
Attention: Bankruptcy
PO Box 103104
Roswell, GA 30076

Green Tree Servicing L
83339798
332 Minnesota St Ste 610
Saint Paul, MN 55101

Merrick Bk
4120614031803781
Attn: Bankruptcy
P.O. Box 9201
Old Bethpage, NY 11804

GECRB/JC Penny
6008895356467158
Attention: Bankruptcy
PO Box 103104
Roswell, GA 30076

Gvt Emp Cu
5543040281462027
7227 Viscount Blvd
El Paso, TX 79925

Mr Dollar
1786
3001 Paisano Dr
El Paso, TX 79905

GECU
510056807073
Attn: Bankruptcy
PO Box 20998
El Paso, TX 79998

Hfc
83172200701929
Attention: Bankruptcy
636 Grand Regency Blvd.
Brandon, FL 33510

National Restaurant Supply Co. Inc
7125 Industrial Avenue
El Paso, TX 79915

GECU
510056807072
Attn: Bankruptcy
PO Box 20998
El Paso, TX 79998

Hsbc Bank
5458001558160515
Po Box 30253
Salt Lake City, UT 84130

River Oaks Properties
106 Jack Duncan Dr
El Paso, TX 79912

Gemb/walmart
6032203584694722
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Sams Club / GEMB
7714100636508467
Attention: Bankruptcy Department
PO box 103104
Roswell, GA 30076

Gm Financial
449886175
Po Box 181145
Arlington, TX 76096

Kohls/capone
6393050527291249
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

Sears/cbna
5121072069489856
Po Box 6497
Sioux Falls, SD 57117

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Certificate of Service

(Continuation Sheet #2)

Sears/cbna
5049941466003008
Po Box 6189
Sioux Falls, SD 57117

Vinay Patel, M.D., P.A.
1700 Curie Suite 5000
El Paso, TX 79902

Stuart C. Cox, Trustee
1760 North Lee Trevino
El Paso, TX 79936

Wachovia Mortgage/World Savings and
Loan
5120046363073
Attn: Bankruptcy Dept.(T7419-015)
PO Box 659558
San Antonio, TX 78265

Syncb/mervyns
604589110389
Po Box 965005
Orlando, FL 32896

Wells Fargo Hm Mortgag
9360411060056
Po Box 10335
Des Moines, IA 50306

Syncb/tire Pros
6019180089011106
950 Forrer Blvd
Kettering, OH 45420

Wf Fin Bank
4071100021630037
Attention: Bankruptcy
PO Box 10438
Des Moines, IA 50306

Syncb/tjx Cos
6045851003678612
Po Box 965005
Orlando, FL 32896

Texas Orthopaedic Therapy
11450 Rojas Dr. Suite D1
El Paso, TX 79936-6993

Tnb - Target
25113
C/o Target Credit Services
Minneapolis, MN 55440